

**CALIFORNIA ENERGY COMMISSION**

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SACRAMENTO, CA 95814-5512  
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April 28, 2005

<b>DOCKET</b>	
04-IEP-1D	
<b>DATE</b>	APR 28 2005
<b>RECD.</b>	APR 29 2005

Mr. Manuel Alvarez  
Southern California Edison  
1201 K Street, Suite 1810  
Sacramento, CA 95814

Dear Mr. Alvarez:

Re: Application for Designation of Confidentiality Electricity Supply Forecast Data;  
Docket No. 04-IEP-1D

On April 1, 2005, Southern California Edison (SCE) filed Electricity Supply Forms for various scenarios and related assessment and various information related to SCE's transmission planning for use in the Energy Commission's 2005 Energy Report proceeding. As part of that filing, SCE is seeking a designation of confidentiality for the following forms and other elements of its April 1 submission.

SCE's application for confidentiality (application) includes:

- Form S-1--Dependable Capacity Resource Accounting Tables for all months January 2006-December 2016, for each scenario. SCE requests that all three versions of this form be kept confidential. SCE is not seeking a confidential designation for the three versions of this form which provide information on an aggregated annual basis. SCE requests that the information be kept confidential for 15 years.
- Form S-2--Energy Balance Resource Accounting Table for all months January 2006-December 2016, for each scenario. SCE requests that all three versions of this form be kept confidential. SCE is not seeking a confidential designation for the three versions of this form which provide information on an aggregated annual basis. SCE requests that the information be kept confidential for 15 years.
- Form S-3--Generic Renewable Capacity and Energy Locations Table for years 2006-2016, for the alternate and accelerated renewables scenarios. SCE requests that the information be kept confidential for 15 years.
- Form S-4--Projected QF Energy and Costs for years 2006-2016, for the accelerated renewables scenario. SCE requests that the information be kept confidential for 15 years.

- Table B-1--Natural Gas Prices (for years 2005-2008). SCE requests that the information be kept confidential for 15 years.
- Table B-2--SP15 Marginal Energy Prices (for years 2005-2008). SCE requests that the information be kept confidential for 15 years.
- Figure B-1--SoCalGas Border Natural Gas Prices Uncertainty (for years 2005-2008). SCE requests that the information be kept confidential for 15 years.
- Table C-1--2005 IEPR Scenario Costs. SCE requests that the information be kept confidential for 15 years.
- Table C-2--Average Scenario Costs Per Megawatt Hour. SCE requests that the information be kept confidential for 15 years.
- Table C-3--Reference Case Scenario Cost Sensitivity. SCE requests that the information be kept confidential for 15 years.
- Column M of Appendix 1 to SCE 2005 IEPR Transmission Submission. SCE requests that the information be kept confidential for 15 years.
- SCE's "CAISO Controlled SCE Transmission 2005-2014 Expansion Plan," dated March 11, 2005. SCE requests this data be held confidential indefinitely.

The California Public Records Act allows for non-disclosure of trade secrets [Gov. Code, § 6254(k), Evid. Code, § 1060]. The California courts have traditionally used the following definition of trade secret:

"A trade secret may consist of any formula, pattern, device or compilation of information which is used in one's business, and which gives him an opportunity to obtain an advantage over competitors who do not know or use it..." [Uribe v. Howie (1971) 19 Cal.App.3d 194, 207-208, 96 Cal. Rptr. 493, 500-501, from the Restatement of Torts, vol. 4, sec. 757, comment b, p. 5.]

SCE's application of April 1, 2005, makes a reasonable claim under the Energy Commission's regulation for classifying some of the information contained in your application as confidential, since it could provide your competitors with a competitive advantage if made public [Gov. Code, § 6254(k); Cal. Code Regs., tit. 20, § 2505]. Accordingly, confidentiality will be granted as follows:

- Form S-1--Dependable Capacity Resource Accounting Tables for all months January 2006-December 2016, for each scenario. Confidentiality is granted for 3 years until the end of 2008. Confidentiality is denied for the 15 years requested

because the usefulness of the data diminishes with time and will be out of date. These projections reflect SCE's current thinking based upon numerous assumptions of the future that SCE adjusts periodically. The Energy Commission will require another submittal from SCE for the *2007 Energy Report* proceeding and we would expect that it will be somewhat different than that submitted this year. Protecting the 2005 filings, with stale assumptions, after the 2007 filings are submitted cannot be justified, as the 2005 filings will no longer qualify as trade secrets.

- Form S-2--Energy Balance Resource Accounting Table for all months January 2006-December 2016, for each scenario. Confidentiality is granted for 3 years until the end of 2008. Confidentiality is denied for the 15 years requested because the usefulness of the data diminishes with time and will be out of date.
- Form S-3--Generic Renewable Capacity and Energy Locations Table for years 2006-2016, for the alternate and accelerated renewables scenarios. Confidentiality is granted for 3 years until the end of 2008. Confidentiality is denied for the 15 years requested because the usefulness of the data diminishes with time and will be out of date.
- Form S-4--Projected QF Energy and Costs for years 2006-2016, for the accelerated renewables scenario. Confidentiality is granted for the length of the contracts. Confidentiality is denied for the 15 years requested because the usefulness of the data diminishes with time and will be out of date.
- Table B-1--Natural Gas Prices (for years 2005-2008). Confidentiality is granted for 3 years until the end of 2008. Confidentiality is denied for the 15 years requested because the usefulness of SCE's forecast of prices diminishes with time and will be out of date.
- Table B-2--SP15 Marginal Energy Prices (for years 2005-2008). Confidentiality is granted for 3 years until the end of 2008. Confidentiality is denied for the 15 years requested because the usefulness of SCE's forecast of prices diminishes with time and will be out of date.
- Figure B-1--SoCalGas Border Natural Gas Prices Uncertainty (for years 2005-2008). Confidentiality is granted for 3 years until the end of 2008. Confidentiality is denied for the 15 years requested because the usefulness of SCE's forecast of the range of gas prices diminishes with time and will be out of date.
- Table C-1--2005 IEPR Scenario Costs. Confidentiality is denied because these summary tables of costs and cost differentials among scenarios do not in themselves reveal trade secrets.

- Table C-2--Average Scenario Costs Per Megawatt Hour. Confidentiality is denied because these summary tables of costs and cost differentials among scenarios do not in themselves reveal trade secrets.
- Table C-3--Reference Case Scenario Cost Sensitivity. Confidentiality is denied because these summary tables of costs and cost differentials among scenarios do not in themselves reveal trade secrets.

Narrative Section for Transmission Planning Confidential Appendices. There are two appendices labeled Appendix 1 for this narrative. The cover letter lists "Appendix for the Narrative Section for Transmission Planning"-Confidential and the Application lists Column M of Appendix 1 to the SCE 2005 IEPR Transmission Submission

However, the narrative section for transmission planning was submitted in a file named SCE Narrative Section for the CEC 2005 IEPR Transmission 04.01.05.doc, the internal document title is Southern California Edison Company's 2005 IEPR Transmission Submittal, and it has three included appendices.

Appendix 1 Transmission Projects Information for 2005 IEPR  
Appendix 2 The Path 49 Upgrades 500kV Transmission Project  
Appendix 3 The Devers-Palo Verde No.2 500kV Transmission Project

An excel file labeled "CEC 2005 IEPR - Confidential App. Tables for Transmission - SCE.xls." This file includes a table similar to our form on p. 62 of the Forms and Instructions, with a Column M that includes costs labeled high, medium or low. We conclude this is the file for which SCE sought confidentiality.

- Column M of Appendix 1 to SCE 2005 IEPR Transmission Submission. Confidentiality is denied because the broad qualitative categorization of transmission project costs (high, medium, and low) is not sufficiently precise to be considered a trade secret.
- SCE's "CAISO Controlled SCE Transmission 2005-2014 Expansion Plan," dated March 11, 2005. The CAISO Controlled SCE Transmission 2005-2014 Expansion Plan is SCE's 2004 Grid Plan which has been previously distributed to stakeholders and is publicly available. The Energy Commission recognizes the sensitivity of some items within this report and will keep the submittal off the website and make it available only upon request. The Energy Commission may redact sensitive information before its release to the public for security purposes.
- Appendix A, Table A-1--Load Lost Due to CEC-Defined Core/Non-Core Scenario. While this information was marked confidential, an Application for Confidentiality Designation did not accompany the tables. However, I have reviewed the tables and have concluded that the data is in such a

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coarse aggregated form that it is not a trade secret. Further these data do not seem to be directly proportional to the annual peak demand forecast that is currently protected while SCE considers whether to appeal to a responsible court the Commission's denial of its appeal of the Executive Director's designation for this variable.

The procedures and criteria for appealing this decision are set forth in the California Code of Regulations, Title 20, Section 2505. Be advised that an appeal of this decision must be filed within fourteen days from the date of my decision.

If you have any further questions regarding this decision, please contact Thomas Glaviano, Staff Counsel, at (916) 651-8893.

Sincerely,

A handwritten signature in black ink, appearing to read "S. W. Matthews", with a long horizontal flourish extending to the right.

SCOTT W. MATTHEWS  
Acting Executive Director

cc: Docket Unit, 04-IEP-1D